

PROVIDENCE/BRISTOL COUNTY SUPERIOR COURT

SC DOCKET SHEET**CASE NO. PC-2021-03612**

Richard Grzesiak
v.
Ford Motor Company

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Location: **Providence/Bristol County Superior Court**
 Filed on: **05/26/2021**
 US District Court Case Number: **1:21-cv-00266**

CASE INFORMATION**Statistical Closures**

06/23/2021 Closed-Non Trial-Unassigned-Removed to Federal Court

Case Type: **Personal Injury**Case Status: **06/23/2021 Closed**Case Flags: **Claim for Jury Trial****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number

PC-2021-03612

Court

Providence/Bristol County Superior Court

Date Assigned


05/26/2021


PARTY INFORMATION**Plaintiff****Grzesiak, Richard***Lead Attorneys***TUTALO, COURTNEY RHODES***Retained*


4014900220(W)


Defendant**Ford Motor Company****DATE****EVENTS & ORDERS OF THE COURT****EVENTS**


06/23/2021 Closed-Non Trial-Unassigned-Removed to Federal Court


06/16/2021  Notice of Removal
Notice of Removal

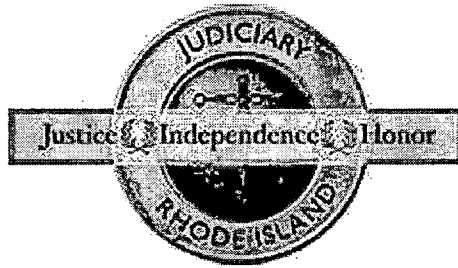
06/09/2021  Summons Proof of Service Filed
Proof of Service

05/26/2021  Claim of Jury Trial Filed
Jury Trial Request

05/26/2021  Entry of Appearance
Entry of Appearance

05/26/2021  Summons

05/26/2021  Complaint Filed
Complaint



STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

CLERK'S CERTIFICATE AND TRANSMITTAL OF THE RECORD

Case Information

Case Caption: Grzesiak vs. Ford Motor Company
Federal Court Case No. 1:21-cv-00266 State Court Case No. PC-2021-03612

Record Information

Confidential: Yes ☐ No ☒ Description: _____
Sealed documents: Yes ☐ No ☒ Description: _____

Certification

I, Steven Burke, Clerk of the Rhode Island Superior Court for the County of
Providence do certify that the attached documents are all the documents
included in the record in the above referenced case.

Date: Jun/23/2021

Clerk:

/s/ Steven Burke

Prepared by:

/s/ Brian Thompson

**STATE OF RHODE ISLAND
PROVIDENCE, SC**

SUPERIOR COURT

RICHARD GRZESIAK,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

CIVIL ACTION NO. PC2021-03612

NOTICE OF REMOVAL

TO: Providence Superior Court
Civil Clerk's Office
Licht Judicial Complex
250 Benefit Street
Providence, RI 02903

Courtney Tutalo, Esq.
Audette, Audette & Violette,
LLC
35 Highland Ave.
East Providence, RI 02914

PLEASE TAKE NOTICE that the Defendant Ford Motor Company, a Delaware corporation with its principal place of business in Dearborn, MI, has this day filed a Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, containing a statement of facts which entitles it to remove the case to the United States District Court for the District of Rhode Island. Attached hereto as *Exhibit A* is a true and correct copy of the Notice of Removal filed on June 16, 2021.

Dated: June 16, 2021

FORD MOTOR COMPANY,
By its Attorneys,
CAMPBELL CONROY & O'NEIL
PROFESSIONAL CORPORATION

/s/ Adam A. Larson

Adam A. Larson, #7114
One Constitution Wharf, Suite 310
Boston, MA 02129
(617) 241-3000
Fax (617) 241-5115
alarson@campbell-trial-lawyers.com

CERTIFICATE OF SERVICE

On June 16, 2021, I electronically filed this document through the Odyssey system, which will send a notice of electronic filing to: Courtney Tutalo, Esq., Audette, Audette & Violette, 35 Highland Ave., LLC East Providence, RI 02914.

/s/ Adam A. Larson

Adam A. Larson

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

RICHARD GRZESIAK,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

CIVIL ACTION NO.

NOTICE OF REMOVAL

**TO: THE CHIEF JUDGE AND JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND**

The Defendant Ford Motor Company ("Ford") files this Notice Removal of this action from the Providence Superior Court, Providence County, State of Rhode Island, to the United States District Court for the District of Rhode Island, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In support of its Notice of Removal, Ford states as follows:

1. As it appears from Civil Action No. PC2021-03612 on file in the Providence Superior Court, Providence, County, State of Rhode Island, the Plaintiff filed a Complaint on or about May 26, 2021. A copy of the Summons and Complaint is attached hereto as *Exhibit A*. On May 27, 2021, Ford received the Summons and Complaint via process server on CT Corporation in East Providence, Rhode Island. *Ex. A*.
2. According to the Complaint, this is a personal injury action in which the Plaintiff alleges that on or about January 28, 2020, he was in the course of his employment as a receiver for Tasca Automotive Group East, Inc. on the property located at 1300 Reservoir Avenue in the City of Cranston, Rhode Island. (Ex. A, ¶ 5).

3. The Plaintiff further alleges that he opened a so-called “stock cage” which contained automotive supplies that was located on the aforementioned premises designed, manufactured, owned, stocked, and/or maintained by Ford. (Ex. A, ¶¶ 6, 7). The Plaintiff also alleges that as he opened and entered the stock cage to retrieve items, two heavy boxes fell onto his right foot causing him to become injured. (Ex. A, ¶ 8).
4. The Plaintiff alleges that as a result of the boxes falling on his right foot, he “sustained severe and grievous injuries, and has suffered and continues to suffer great pain of body and mind and has expended great sums of money for the medical care and treatment of said injuries, has incurred lost wages and has sustained other great damage.” (Ex. A, ¶¶ 15, 21).
5. Therefore, due to the alleged severity of the Plaintiff’s alleged personal injuries from the alleged accident, upon information and belief, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.
6. The Plaintiff alleges in his Complaint that he is a resident in the Town and County of Bristol, State of Rhode Island (Ex. A, ¶ 1).
7. The Defendant Ford Motor Company is a Delaware corporation, with its principal place of business located at One American Road, Dearborn, MI.
8. Jurisdiction in the Federal Court is based on diversity of citizenship between the Plaintiff and Ford pursuant to 28 U.S.C. § 1332. Upon information and belief, the amount in controversy exceeds, exclusive of interests and costs, seventy-five-thousand dollars (\$75,000).
9. This Notice of Removal is being filed within the time period required by 28 U.S.C. §1446(b).

10. A copy of this Notice of Removal will be filed with the Clerk of the Providence Superior Court and served on counsel of record for the Plaintiff pursuant to 28 U.S.C. §1446(d). A copy of the State Court Notice of Removal is attached hereto as *Exhibit B*.

WHEREFORE, Ford prays for removal of the above captioned matter from the Providence Superior Court, Providence County, State of Rhode Island, to the United States District Court for the District of Rhode Island.

Dated: June 16, 2021

FORD MOTOR COMPANY,
By its Attorneys,
CAMPBELL CONROY & O'NEIL
PROFESSIONAL CORPORATION

/s/ Adam A. Larson

Adam A. Larson, #7114
One Constitution Wharf, Suite 310
Boston, MA 02129
(617) 241-3000
Fax (617) 241-5115
alarson@campbell-trial-lawyers.com

CERTIFICATE OF SERVICE

On June 16, 2021, I electronically filed this document through the CM/ECF system, which will send a notice of electronic filing to: Courtney Tutalo, Esq., Audette, Audette & Violette, LLC, 35 Highland Ave., East Providence, RI 02914; and I emailed this document and notice of electronic filing to the aforementioned counsel as well.

/s/ Adam A. Larson

Adam A. Larson

EXHIBIT A



**Service of Process
Transmittal**

05/27/2021

CT Log Number 539637906

TO: Chuck Morici
Ford Motor Company
1 American Rd
Dearborn, MI 48126-2798

RE: **Process Served in Rhode Island**

FOR: Ford Motor Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Richard Grzesiak, Pltff. vs. Ford Motor Company, Dft.

DOCUMENT(S) SERVED: Summons, Proof of Service, Complaint, Notice(s), Attachment(s)

COURT/AGENCY: Providence/Bristol County Superior Court, RI
Case # PC202103612

NATURE OF ACTION: Product Liability Litigation - Personal Injury - Stock Cage

ON WHOM PROCESS WAS SERVED: C T Corporation System, East Providence, RI

DATE AND HOUR OF SERVICE: By Process Server on 05/27/2021 at 13:53

JURISDICTION SERVED : Rhode Island

APPEARANCE OR ANSWER DUE: Within 20 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Courtney R. Tutalo
Audette, Audette & Violette, LLC
35 Highland Avenue
East Providence, RI 02914
401-490-0220

ACTION ITEMS: CT has retained the current log, Retain Date: 05/28/2021, Expected Purge Date:
06/02/2021
Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
450 Veterans Memorial Highway
Suite /A
East Providence, RI 02914
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



STATE OF RHODE ISLAND

SUPERIOR COURT

SUMMONS

Plaintiff Richard Grzesiak v. Ford Motor Company Defendant	Civil Action File Number PC-2021-03612 Attorney for the Plaintiff or the Plaintiff Courtney Rhodes Tutalo Address of the Plaintiff's Attorney or the Plaintiff 35 HIGHLAND AVE EAST PROVIDENCE RI 02914
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant One American Road WHQ Room 612 Tax Department Dearborn MI 48126

TO THE DEFENDANT, Ford Motor Company:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 5/26/2021

/s/ Stephen Burke

Clerk

Witness the seal/watermark of the Superior Court

838
 A True Copy Attest
 Date 5-27-21
 Anthony R. Caproni, Jr.
 Badge Number 157



STATE OF RHODE ISLAND

SUPERIOR COURT

Plaintiff

Richard Grzesiak

v.

Ford Motor Company

Defendant**Civil Action File Number**

PC-2021-03612

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Ford Motor Company, by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

- ☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

STATE OF RHODE ISLAND
PROVIDENCE, SC

DISTRICT COURT

RICHARD GRZESIAK,
Plaintiff

Vs.

C.A. No.:

FORD MOTOR COMPANY,
Defendant

COMPLAINT

Now comes the Plaintiff in the above-entitled matter and alleges and says that:

Parties

1. The Plaintiff, Richard Grzesiak, is a resident of the Town of Bristol, County of Bristol, State of Rhode Island.
2. Upon information and belief, the Defendant, Ford Motor Company, is a foreign corporation licensed to do, and in fact doing business, in the State of Rhode Island.

Jurisdiction

3. The amount claimed is sufficient to establish jurisdiction in Superior Court.

Count I

4. The Plaintiff realleges paragraphs 1 through 3 and incorporates the same as if they were fully stated herein.
5. On or about January 28, 2020, the Plaintiff, Richard Grzesiak, while in the course of his employment as a receiver for Tasca Automotive Group East, Inc. was lawfully on the property located at 1300 Reservoir Avenue in the City of Cranston, County of Providence, State of Rhode Island.
6. At said time and place, Plaintiff, Richard Grzesiak, opened a so-called "stock cage" which contained automotive supplies.
7. Upon information and belief, said stock cage located on the aforementioned premises was designed, manufactured, owned, stocked, and/or maintained by the Defendant, Ford Motor Company.

8. As the Plaintiff, Richard Grzesiak, opened and entered the said stock cage to retrieve items, two heavy boxes, which were carelessly and negligently stacked within the stock cage, fell onto his right foot, causing Mr. Grzesiak to become injured.
9. At all times mentioned herein, the Plaintiff, Richard Grzesiak, was in the exercise of due care and caution.
10. The Defendant, Ford Motor Company, owed a duty to the Plaintiff, Richard Grzesiak, and others in his position, to keep and maintain the aforementioned stock cage and items within it free from hazards, safely and properly stocked, and otherwise fit, safe, and proper for its intended use.
11. Prior to the Plaintiff's injury, the Defendant, Ford Motor Company, knew, or in the exercise of due care should have known, that a dangerous and hazardous condition existed with and in the aforementioned stock cage where the Plaintiff was injured.
12. The Defendant, Ford Motor Company, is liable for the negligent acts and omissions of its agents, servants, and/or employees.
13. At and before the time of Plaintiff's fall referred to herein, the Defendant, Ford Motor Company, negligently breached its aforesaid duties by allowing and/or causing the aforementioned stock cage to be improperly and dangerously stocked and failed to inspect and maintain the same, causing the stock cage to be unsafe and unfit for use by the Plaintiff, Richard Grzesiak, and others in his position.
14. As a direct and proximate result of said negligence on the part of the Defendant, Ford Motor Company, the Plaintiff, Richard Grzesiak, was injured as aforesaid.
15. As a result of the Defendant, Ford Motor Company's, said negligence, the Plaintiff, Richard Grzesiak, has sustained severe and grievous injuries, and has suffered and continues to suffer great pain of body and mind, and has expended great sums of money for the medical care and treatment of said injuries, has incurred lost wages and has sustained other great damage.

WHEREFORE, the Plaintiff, Richard Grzesiak, demands judgment against the Defendant, Ford Motor Company, in an amount sufficient to fully compensate him for the damages herein alleged, plus interest and costs of suit.

Count II

16. Plaintiff realleges paragraphs 1 through 15 and incorporates the same as if they were fully stated herein.
17. At and before the time of Plaintiff's injury referred to herein, the Defendant, Ford Motor Company, had a duty to adequately, timely and properly warn Plaintiff, Richard Grzesiak, and others in his position, of dangerous and/or unsafe conditions it had knowledge of or, in the exercise of due care, should have had knowledge of, which existed with and in the aforementioned stock cage.
18. The Defendant, Ford Motor Company, is liable for the negligent acts and omissions of its agents and/or employees.
19. The Plaintiff was not warned of any dangerous or hazardous conditions with or in the aforementioned stock cage prior to opening the same.
20. Therefore, the Defendant, Ford Motor Company, negligently breached its aforesaid duties to warn and, as a direct and proximate result of said negligence, Plaintiff, Richard Grzesiak, was injured as aforesaid.
21. As a further result of the Defendant, Ford Motor Company's, said negligence, the Plaintiff, Richard Grzesiak, has sustained severe and grievous injuries, and has suffered and continues to suffer great pain of body and mind, and has expended great sums of money for the medical care and treatment of said injuries, has incurred lost wages, and has sustained other great damage.

WHEREFORE, the Plaintiff, Richard Grzesiak, demands judgment against the Defendant, Ford Motor Company, in an amount sufficient to fully compensate him for the damages herein alleged, plus interest and costs of suit.

COUNT III

22. The Plaintiff realleges paragraphs 1 through 21 and incorporates the same as if they were fully stated herein.
23. The Defendant, Ford Motor Company, has a duty to manufacture a product that is not unsafe, dangerous and/or defective.
24. The defective nature of the stock cage caused two boxes to fall, causing injuries to the Plaintiff, Richard Grzesiak, as aforementioned.

25. The defective nature of the stock cage and the resulting damages were a direct and proximate result of the negligence, carelessness and negligent omissions of the Defendant, Ford Motor Company, in:
- a. Designing, manufacturing, selling and/or otherwise placing into the stream of commerce a stock cage that was in a defective condition, unreasonably dangerous to consumers, including Richard Grzesiak.
 - b. Failing to adequately warn Richard Grzesiak of the defects in the stock cage when the Defendant, Ford Motor Company, knew or should have known of the defects and that they constituted a danger;
 - c. Carelessly, recklessly and negligently designing, manufacturing, distributing and/or selling the stock cage in a defective and unreasonably dangerous condition;
 - d. Carelessly, recklessly and negligently failing to adequately, properly and safely inspect and/or test the stock cage and to make the necessary corrections and adjustments thereto, which inspections and tests would have revealed the existence of the aforesaid dangerous condition, and which adjustments and/or corrections would have remedied same;
 - e. Carelessly, recklessly and negligently failing to discover defects in the stock cage;
 - f. Carelessly, recklessly and negligently failing to exercise the requisite degree of care and caution in the design, manufacture, distribution and/or sale of the stock cage;
 - g. Carelessly, recklessly and negligently failing to properly and adequately design and manufacture the stock cage in order to provide a safe product;
 - h. Carelessly, recklessly and negligently failing to adequately, properly and/or completely supervise its personnel in the design, manufacture, distribution and/or sale of the stock cage; and
 - i. Carelessly, recklessly and negligently failing to remove the stock cage from the market when the Defendant, Ford Motor Company, knew or should have known of the defects in the stock cage, and that it constituted a danger.
26. As a direct and proximate result of the Defendant, Ford Motor Company, designing, manufacturing, distributing and/or selling a product that was in a defective, unreasonably dangerous condition, the injury and damages referred to above occurred.

WHEREFORE, the Plaintiff, Richard Grzesiak, demands judgment against the Defendant, Ford Motor Company, in an amount sufficient to fully compensate him for the damages herein alleged, plus interest and costs of suit.

THE PLAINTIFF,
Richard Grzesiak,
By his Attorneys,
AUDETTE, AUDETTE & VIOLETTE, LLC

/s/ Courtney R. Tutalo
COURTNEY R. TUTALO, ESQ. #7140
35 Highland Avenue
East Providence, RI 02914
Tel: (401) 490-0220
Fax: (401) 438-3804
E-Mail: ctutalo@aavlawfirm.com

Plaintiff demands a Trial by Jury on all Counts.

THE PLAINTIFF,
Richard Grzesiak,
By his Attorneys,
AUDETTE, AUDETTE & VIOLETTE, LLC

/s/ Courtney R. Tutalo
COURTNEY R. TUTALO, ESQ. #7140
35 Highland Avenue
East Providence, RI 02914
Tel: (401) 490-0220
Fax: (401) 438-3804
E-Mail: ctutalo@acvlawfirm.com

See this notice in Cambodian, Spanish, and Portuguese on the attached pages.
Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.
Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.



NOTICE

You have a case in the Rhode Island state court system.

You have the right to an interpreter at no cost to you.

Rhode Island Supreme Court Executive Order 2012-05 states that when a Limited-English Proficient (LEP) person appears in court, the Rhode Island Judiciary will provide a free authorized interpreter for the defendant, plaintiff, witness, victim, parent of a juvenile, or someone with a significant interest in the court proceeding. This interpreting service is provided at no cost to the parties and in all types of cases, both civil and criminal. Court interpreters work in all the courthouses of the Rhode Island state court system.

To schedule an interpreter for your day in court, you have the following options:

1. **Call the Office of Court Interpreters at (401) 222-8710, or**
2. **Send an email message to interpreterfeedback@courts.ri.gov, or**
3. **Visit the interpreters' office to schedule an interpreter:**

**The Office of Court Interpreters
Licht Judicial Complex
Fourth Floor, Room 401
250 Benefit Street
Providence, RI 02903**

When requesting an interpreter, please provide the following information:

- **The name and number of your case**
- **The language you are requesting**
- **The date and time of your hearing**
- **The location of your hearing**
- **Your name and a telephone number where we can reach you or your lawyer**

For more information in Portuguese, Russian, and Spanish, including a listing of court forms that are available in Spanish, please visit our website on the internet:

<http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>.

To request a translation of this notice into any other language, please call the Office of Court Interpreters at (401) 222-8710. It would be helpful to have an English speaker with you when you call.

The Rhode Island Judiciary is committed to making the courts accessible to all.

The Office of Court Interpreters
Licht Judicial Complex
Fourth Floor Room 401
250 Benefit Street
Providence, RI 02903

See this notice in Cambodian, Spanish, and Portuguese on the attached pages.

Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.

Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.

A V I S O

Usted tiene un caso en el sistema judicial de Rhode Island.

Usted tiene el derecho a tener un intérprete sin costo para usted.



La Orden Ejecutiva 2012-05 del Tribunal Supremo de Rhode Island dicta que cuando una persona que tiene un dominio limitado del inglés (LEP) comparece ante la corte, el Sistema Judicial de Rhode Island le proveerá un intérprete autorizado gratis sea el acusado/demandado, demandante, testigo, víctima, padre de un menor de edad alguien que tenga con un interés importante en el proceso de la corte. Este servicio de interpretación se le proveerá sin costo alguno a los participantes en toda clase de caso, sea civil o penal.

Los intérpretes judiciales trabajan en todos los tribunales del Sistema Judicial de Rhode Island.

Para solicitar un intérprete para su comparecencia en el tribunal, usted tiene las siguientes opciones:

1. Llamar a la Oficina de Intérpretes en el tribunal al 401-222-8710 ;
2. Mandar un correo electrónico a interpreterfeedback@courts.ri.gov; o
3. Presentarse a la Oficina de Intérpretes para solicitar un intérprete:

**The Office of Court Interpreters
Licht Judicial Complex
Cuarto Piso, Oficina 401 A-B
250 Benefit Street
Providence, RI 02903**

Al solicitar un intérprete, por favor provea la siguiente información:

- El nombre y el número de su caso
- El idioma que solicita
- La fecha y hora de su audiencia
- Dónde va a tomar lugar su audiencia
- Su nombre y número de teléfono por el cual nos podamos poner en contacto con usted o con su abogado.

Para obtener más información en portugués, ruso o español, incluyendo una lista de formularios de la corte que están disponibles en español, visite nuestra página de internet:

<http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>.

Para solicitar la traducción de este aviso en cualquier otro idioma, por favor llame a la oficina de intérpretes al (401) 222-8710. Ayudaría si usted puede estar en compañía de una persona que habla inglés cuando llame.

El sistema jurídico de Rhode Island se compromete a proporcionar a todas las personas mejor acceso a los tribunales.

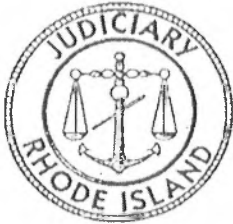
**The Office of Court Interpreters
Licht Judicial Complex
Fourth Floor Room 401
250 Benefit Street
Providence, RI 02903**

See this notice in Cambodian, Spanish, and Portuguese on the attached pages.

Camboyano: SAMPLE: [Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.]

Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.

Português: Leia esta notificação em camboyano, espanhol e português nas páginas em anexo.



NOTIFICAÇÃO

V. Ex.^a tem um processo em curso no sistema judiciário do Estado de Rhode Island,

V. Ex.^a tem direito aos serviços gratuitos de um intérprete.

A Ordem Executiva 2012-05 do Supremo Tribunal de Rhode Island prevê que quando uma pessoa com conhecimentos limitados da língua inglesa (*Limited-English Proficient*) (LEP) comparece em tribunal, a Administração Judiciária de Rhode Island disponibiliza-lhe gratuitamente os serviços de um intérprete autorizado a um réu, autor, testemunha, vítima, pai ou mãe de um menor ou alguém com interesse significativo no processo judicial. O serviço de intérprete é prestado gratuitamente às partes e em todos os tipos de processos, sejam eles civis ou penais. Os intérpretes do tribunal trabalham em todos os tribunais do sistema judiciário do Estado de Rhode Island.

Para agendar os serviços de um intérprete para o seu dia no tribunal, tem as seguintes opções:

1. **Telefonar para o Gabinete de Intérpretes Judiciais através do n.º (401) 222-8710, ou**
2. **Enviar uma mensagem de correio eletrónico para interpreterfeedback@courts.ri.gov, ou**
3. **Deslocar-se ao gabinete de intérpretes para agendar os serviços de um intérprete:**

**Gabinete de Intérpretes Judiciais
Complexo Judicial Licht
Quarto Piso, Sala 401
250 Benefit Street
Providence, RI 02903**

Quando solicitar os serviços de um intérprete deve fornecer os seguintes dados:

- **O nome e número do seu processo**
- **O idioma que solicita**
- **A data e hora da sua audiência**
- **O local da sua audiência**
- **O seu nome e um número de telefone para o podermos contactar a si ou ao seu advogado**

Para obter mais informações em português, russo e espanhol, incluindo uma lista dos formulários judiciais disponíveis em espanhol, visite o nosso website na internet: <http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>.

Para solicitar uma tradução desta notificação para qualquer outro idioma, telefone para o Gabinete de Intérpretes Judiciais através do número (401) 222-8710. Recomenda-se que esteja acompanhado por alguém que fale inglês quando fizer a chamada.

A Administração Judiciária de Rhode Island está empenhada em tornar os tribunais acessíveis para todos.

**Gabinete de Intérpretes Judiciais
Complexo Judicial Licht
Quarto Piso, Sala 401
250 Benefit Street
Providence, RI 02903**

មើលសេចក្តីជូនដំណឹងនេះជាភាសាខ្មែរ អេស្បាញ និងអង់គ្លេសនៅលើទំព័រដែលបានភ្ជាប់។

សេចក្តីជូនដំណឹង



លោកអ្នកមានបណ្តឹងនៅក្នុងប្រព័ន្ធតុលាការនៃរដ្ឋ Rhode Island។

លោកអ្នកមានសិទ្ធិស្នើសុំអ្នកបកប្រែដោយឥតគិតថ្លៃសម្រាប់ខ្លួនឯង។

ដីកាប្រតិបត្តិរបស់តុលាការកំពូលនៃ Rhode Island (Rhode Island Supreme Court Executive Order) លេខ 2012-05 បានចែងថានៅពេលបុគ្គលដែលមានចំណេះដឹងផ្នែកភាសាអង់គ្លេសមានកំណត់ (LEP) បង្ហាញខ្លួននៅក្នុងតុលាការ តុលាការនៃ Rhode Island នឹងផ្តល់អ្នកបកប្រែដែលបានអនុញ្ញាតដោយឥតគិតថ្លៃសម្រាប់ចុងបោះ ដើមបោះ សាក្សី ជនរងគ្រោះ ម៉ាតាបិតារបស់អនីតិជន ឬនរណាម្នាក់ដែលពាក់ព័ន្ធយ៉ាងសំខាន់នៅក្នុងដំណើរការតុលាការ។ សេវាកម្មបកប្រែនេះ ត្រូវបានផ្តល់ជូនដោយឥតគិតថ្លៃសម្រាប់គ្រប់គ្នា និងនៅក្របប្រភេទនៃបណ្តឹង ទាំងរដ្ឋប្បវេណី និងព្រហ្មទណ្ឌ។ អ្នកបកប្រែក្នុងតុលាការធ្វើការនៅក្នុងគ្រប់តុលាការទាំងអស់របស់ប្រព័ន្ធតុលាការនៃរដ្ឋ Rhode Island។ ដើម្បីគ្រោងពេលវេលាអ្នកបកប្រែសម្រាប់ថ្ងៃចូលសវនាការរបស់លោកអ្នក លោកអ្នកមានជម្រើសដូចខាងក្រោម ៖

1. ទូរស័ព្ទមកកាន់ការិយាល័យអ្នកបកប្រែប្រចាំតុលាការតាមរយៈលេខ (401) 222-8710 ឬ
2. ផ្ញើអ៊ីម៉ែលទៅកាន់ interpreterfeedback@courts.ri.gov ឬ
3. ទៅកាន់ការិយាល័យអ្នកបកប្រែដើម្បីគ្រោងពេលវេលាអ្នកបកប្រែ ៖

**The Office of Court Interpreters
Licht Judicial Complex
Fourth Floor, Room 401
250 Benefit Street
Providence, RI 02903**

នៅពេលស្នើសុំអ្នកបកប្រែ សូមផ្តល់នូវព័ត៌មានដូចខាងក្រោម ៖

- ឈ្មោះ និងលេខបណ្តឹងរបស់លោកអ្នក
- ភាសាដែលលោកអ្នកស្នើសុំ
- កាលបរិច្ឆេទ និងម៉ោងសវនាការរបស់លោកអ្នក
- ទីតាំងនៃសវនាការរបស់លោកអ្នក
- ឈ្មោះ និងលេខទូរស័ព្ទលោកអ្នកដែលយើងខ្ញុំអាចទំនាក់ទំនងលោកអ្នក ឬមេធាវីលោកអ្នកបាន

សម្រាប់ព័ត៌មានបន្ថែមជាភាសាអង់គ្លេស អង់គ្លេស និងអេស្បាញ រួមទាំងបញ្ជីទម្រង់បែបបទតុលាការដែលមានជាភាសាអេស្បាញនោះ សូមចូលទៅកាន់គេហទំព័រយើងខ្ញុំនៅលើអ៊ីនធឺណិត ៖

<http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>

ដើម្បីស្នើសុំការបកប្រែសេចក្តីជូនដំណឹងនេះជាភាសាណាមួយផ្សេងទៀត សូមទូរស័ព្ទមកកាន់ការិយាល័យអ្នកបកប្រែប្រចាំតុលាការតាមរយៈលេខ (401) 222-8710។ វាជាការចាំបាច់ដែលត្រូវមានអ្នកនិយាយភាសាអង់គ្លេសជាមួយលោកអ្នកនៅពេលដែលលោកអ្នកទូរស័ព្ទចូល។

តុលាការ Rhode Island ប្តេជ្ញាធ្វើឱ្យតុលាការអាចប្រើប្រាស់បានសម្រាប់មនុស្សគ្រប់គ្នា។

ការិយាល័យអ្នកបកប្រែប្រចាំតុលាការ
Licht Judicial Complex
Fourth Floor Room 401
250 Benefit Street
Providence, RI 02903

EXHIBIT B

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

RICHARD GRZESIAK,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

CIVIL ACTION NO. PC2021-03612

NOTICE OF REMOVAL

TO: Providence Superior Court
Civil Clerk's Office
Licht Judicial Complex
250 Benefit Street
Providence, RI 02903

Courtney Tutalo, Esq.
Audette, Audette & Violette,
LLC
35 Highland Ave.
East Providence, RI 02914

PLEASE TAKE NOTICE that the Defendant Ford Motor Company, a Delaware corporation with its principal place of business in Dearborn, MI, has this day filed a Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, containing a statement of facts which entitles it to remove the case to the United States District Court for the District of Rhode Island. Attached hereto as *Exhibit A* is a true and correct copy of the Notice of Removal filed on June 16, 2021.

Dated: June 16, 2021

FORD MOTOR COMPANY,
By its Attorneys,
CAMPBELL CONROY & O'NEIL
PROFESSIONAL CORPORATION

/s/ Adam A. Larson

Adam A. Larson, #7114
One Constitution Wharf, Suite 310
Boston, MA 02129
(617) 241-3000
Fax (617) 241-5115
alarson@campbell-trial-lawyers.com

CERTIFICATE OF SERVICE

On June 16, 2021, I electronically filed this document through the Odyssey system, which will send a notice of electronic filing to: Courtney Tutalo, Esq., Audette, Audette & Violette, 35 Highland Ave., LLC East Providence, RI 02914.

/s/ Adam A. Larson

Adam A. Larson

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Richard Grzesiak

(b) County of Residence of First Listed Plaintiff Bristol County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Courtney Tutalo, Esq., Audette, Audette & Violette LLC
35 Highland Avenue, East Providence, RI 02914

DEFENDANTS

Ford Motor Company

County of Residence of First Listed Defendant Wayne County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Adam A. Larson, Esq., Campbell Conroy & O'Neil, P.C.
1 Constitution Wharf, Suite 310, Boston, MA 02129

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395it) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Sections 1332, 1441 and 1446

Brief description of cause:
Personal Injury / Premises Liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

N/A

DOCKET NUMBER

DATE

6/16/21

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.



STATE OF RHODE ISLAND

SUPERIOR COURT

SUMMONS

Plaintiff Richard Grzesiak v. Ford Motor Company Defendant	Civil Action File Number PC-2021-03612 Attorney for the Plaintiff or the Plaintiff Courtney Rhodes Tatalo Address of the Plaintiff's Attorney or the Plaintiff 35 HIGHLAND AVE EAST PROVIDENCE RI 02914
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant One American Road WHQ Room 612 Tax Department Dearborn MI 48126

TO THE DEFENDANT, Ford Motor Company: *C/O AT CORPORATION*

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 5/26/2021.

/s/ Stephen Burke
Clerk

Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND
SUPERIOR COURT

Plaintiff

Richard Grzesiak

v.

Ford Motor Company

Defendant

Civil Action File Number

PC-2021-03612

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Ford Motor Company, by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

- ☒ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent CT Corp Drop Box 450 Veterans Memorial Pkwy East Prov.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: 5 / 27 / 21
Month Day Year

SERVICE FEE \$ 45

Signature of ~~SHERIFF~~ or ~~DEPUTY SHERIFF~~ or CONSTABLE

Anthony Cappalli #157

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

STATE OF RHODE ISLAND
PROVIDENCE, SC

DISTRICT COURT

RICHARD GRZESIAK,
Plaintiff

:
:
:
:
:
:
:

Vs.

C.A. No.: PC-2021-03612

FORD MOTOR COMPANY,
Defendant

JURY TRIAL REQUEST

Now come the Plaintiff in the above entitled matter and requests a jury trial. Plaintiff designates Courtney R. Tutalo, Esq. as trial counsel.

THE PLAINTIFF,
Richard Grzesiak,
By his Attorneys,
AUDETTE, AUDETTE & VIOLETTE, LLC

/s/ Courtney R. Tutalo
COURTNEY R. TUTALO, ESQ. #7140
35 Highland Avenue
East Providence, RI 02914
Tel: (401) 490-0220
Fax: (401) 438-3804
E-Mail: ctutalo@aavlawfirm.com

STATE OF RHODE ISLAND
PROVIDENCE, SC

DISTRICT COURT

RICHARD GRZESIAK,
Plaintiff

Vs.

FORD MOTOR COMPANY,
Defendant

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:

C.A. No.: PC-2021-03612

ENTRY OF APPEARANCE

Now comes Courtney R. Tutalo, Esq. and hereby enters her appearance on behalf of the
Plaintiff, Richard Grzesiak.

THE PLAINTIFF,
Richard Grzesiak,
By his Attorneys,
AUDETTE, AUDETTE & VIOLETTE, LLC

/s/ Courtney R. Tutalo
COURTNEY R. TUTALO, ESQ. #7140
35 Highland Avenue
East Providence, RI 02914
Tel: (401) 490-0220
Fax: (401) 438-3804
E-Mail: ctutalo@aavlawfirm.com



STATE OF RHODE ISLAND
SUPERIOR COURT
SUMMONS

Plaintiff Richard Grzesiak v. Ford Motor Company Defendant	Civil Action File Number PC-2021-03612
	Attorney for the Plaintiff or the Plaintiff Courtney Rhodes Tutalo Address of the Plaintiff's Attorney or the Plaintiff 35 HIGHLAND AVE EAST PROVIDENCE RI 02914
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant One American Road WHQ Room 612 Tax Department Dearborn MI 48126

TO THE DEFENDANT, Ford Motor Company:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 5/26/2021.	/s/ Stephen Burke Clerk
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Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND
SUPERIOR COURT

Plaintiff

Richard Grzesiak

v.

Ford Motor Company

Defendant**Civil Action File Number**

PC-2021-03612

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Ford Motor Company, by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person of suitable age and discretion _____
 Address of dwelling house or usual place of abode _____
 Age _____
 Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
 Name of authorized agent _____
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
 Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
 Name of person and designation _____



STATE OF RHODE ISLAND
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: ____ / ____ / ____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

STATE OF RHODE ISLAND
 PROVIDENCE, SC

DISTRICT COURT

RICHARD GRZESIAK,
 Plaintiff

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:
:

Vs.

C.A. No.:

FORD MOTOR COMPANY,
 Defendant

COMPLAINT

Now comes the Plaintiff in the above-entitled matter and alleges and says that:

Parties

1. The Plaintiff, Richard Grzesiak, is a resident of the Town of Bristol, County of Bristol, State of Rhode Island.
2. Upon information and belief, the Defendant, Ford Motor Company, is a foreign corporation licensed to do, and in fact doing business, in the State of Rhode Island.

Jurisdiction

3. The amount claimed is sufficient to establish jurisdiction in Superior Court.

Count I

4. The Plaintiff realleges paragraphs 1 through 3 and incorporates the same as if they were fully stated herein.
5. On or about January 28, 2020, the Plaintiff, Richard Grzesiak, while in the course of his employment as a receiver for Tasca Automotive Group East, Inc. was lawfully on the property located at 1300 Reservoir Avenue in the City of Cranston, County of Providence, State of Rhode Island.
6. At said time and place, Plaintiff, Richard Grzesiak, opened a so-called “stock cage” which contained automotive supplies.
7. Upon information and belief, said stock cage located on the aforementioned premises was designed, manufactured, owned, stocked, and/or maintained by the Defendant, Ford Motor Company.

8. As the Plaintiff, Richard Grzesiak, opened and entered the said stock cage to retrieve items, two heavy boxes, which were carelessly and negligently stacked within the stock cage, fell onto his right foot, causing Mr. Grzesiak to become injured.
9. At all times mentioned herein, the Plaintiff, Richard Grzesiak, was in the exercise of due care and caution.
10. The Defendant, Ford Motor Company, owed a duty to the Plaintiff, Richard Grzesiak, and others in his position, to keep and maintain the aforementioned stock cage and items within it free from hazards, safely and properly stocked, and otherwise fit, safe, and proper for its intended use.
11. Prior to the Plaintiff's injury, the Defendant, Ford Motor Company, knew, or in the exercise of due care should have known, that a dangerous and hazardous condition existed with and in the aforementioned stock cage where the Plaintiff was injured.
12. The Defendant, Ford Motor Company, is liable for the negligent acts and omissions of its agents, servants, and/or employees.
13. At and before the time of Plaintiff's fall referred to herein, the Defendant, Ford Motor Company, negligently breached its aforesaid duties by allowing and/or causing the aforementioned stock cage to be improperly and dangerously stocked and failed to inspect and maintain the same, causing the stock cage to be unsafe and unfit for use by the Plaintiff, Richard Grzesiak, and others in his position.
14. As a direct and proximate result of said negligence on the part of the Defendant, Ford Motor Company, the Plaintiff, Richard Grzesiak, was injured as aforesaid.
15. As a result of the Defendant, Ford Motor Company's, said negligence, the Plaintiff, Richard Grzesiak, has sustained severe and grievous injuries, and has suffered and continues to suffer great pain of body and mind, and has expended great sums of money for the medical care and treatment of said injuries, has incurred lost wages and has sustained other great damage.

WHEREFORE, the Plaintiff, Richard Grzesiak, demands judgment against the Defendant, Ford Motor Company, in an amount sufficient to fully compensate him for the damages herein alleged, plus interest and costs of suit.

Count II

16. Plaintiff realleges paragraphs 1 through 15 and incorporates the same as if they were fully stated herein.
17. At and before the time of Plaintiff's injury referred to herein, the Defendant, Ford Motor Company, had a duty to adequately, timely and properly warn Plaintiff, Richard Grzesiak, and others in his position, of dangerous and/or unsafe conditions it had knowledge of or, in the exercise of due care, should have had knowledge of, which existed with and in the aforementioned stock cage.
18. The Defendant, Ford Motor Company, is liable for the negligent acts and omissions of its agents and/or employees.
19. The Plaintiff was not warned of any dangerous or hazardous conditions with or in the aforementioned stock cage prior to opening the same.
20. Therefore, the Defendant, Ford Motor Company, negligently breached its aforesaid duties to warn and, as a direct and proximate result of said negligence, Plaintiff, Richard Grzesiak, was injured as aforesaid.
21. As a further result of the Defendant, Ford Motor Company's, said negligence, the Plaintiff, Richard Grzesiak, has sustained severe and grievous injuries, and has suffered and continues to suffer great pain of body and mind, and has expended great sums of money for the medical care and treatment of said injuries, has incurred lost wages, and has sustained other great damage.

WHEREFORE, the Plaintiff, Richard Grzesiak, demands judgment against the Defendant, Ford Motor Company, in an amount sufficient to fully compensate him for the damages herein alleged, plus interest and costs of suit.

COUNT III

22. The Plaintiff realleges paragraphs 1 through 21 and incorporates the same as if they were fully stated herein.
23. The Defendant, Ford Motor Company, has a duty to manufacture a product that is not unsafe, dangerous and/or defective.
24. The defective nature of the stock cage caused two boxes to fall, causing injuries to the Plaintiff, Richard Grzesiak, as aforementioned.

25. The defective nature of the stock cage and the resulting damages were a direct and proximate result of the negligence, carelessness and negligent omissions of the Defendant, Ford Motor Company, in:
- a. Designing, manufacturing, selling and/or otherwise placing into the stream of commerce a stock cage that was in a defective condition, unreasonably dangerous to consumers, including Richard Grzesiak.
 - b. Failing to adequately warn Richard Grzesiak of the defects in the stock cage when the Defendant, Ford Motor Company, knew or should have known of the defects and that they constituted a danger;
 - c. Carelessly, recklessly and negligently designing, manufacturing, distributing and/or selling the stock cage in a defective and unreasonably dangerous condition;
 - d. Carelessly, recklessly and negligently failing to adequately, properly and safely inspect and/or test the stock cage and to make the necessary corrections and adjustments thereto, which inspections and tests would have revealed the existence of the aforesaid dangerous condition, and which adjustments and/or corrections would have remedied same;
 - e. Carelessly, recklessly and negligently failing to discover defects in the stock cage;
 - f. Carelessly, recklessly and negligently failing to exercise the requisite degree of care and caution in the design, manufacture, distribution and/or sale of the stock cage;
 - g. Carelessly, recklessly and negligently failing to properly and adequately design and manufacture the stock cage in order to provide a safe product;
 - h. Carelessly, recklessly and negligently failing to adequately, properly and/or completely supervise its personnel in the design, manufacture, distribution and/or sale of the stock cage; and
 - i. Carelessly, recklessly and negligently failing to remove the stock cage from the market when the Defendant, Ford Motor Company, knew or should have known of the defects in the stock cage, and that it constituted a danger.
26. As a direct and proximate result of the Defendant, Ford Motor Company, designing, manufacturing, distributing and/or selling a product that was in a defective, unreasonably dangerous condition, the injury and damages referred to above occurred.

WHEREFORE, the Plaintiff, Richard Grzesiak, demands judgment against the Defendant, Ford Motor Company, in an amount sufficient to fully compensate him for the damages herein alleged, plus interest and costs of suit.

THE PLAINTIFF,
Richard Grzesiak,
By his Attorneys,
AUDETTE, AUDETTE & VIOLETTE, LLC

/s/ Courtney R. Tutalo
COURTNEY R. TUTALO, ESQ. #7140
35 Highland Avenue
East Providence, RI 02914
Tel: (401) 490-0220
Fax: (401) 438-3804
E-Mail: ctutalo@aavlawfirm.com

Plaintiff demands a Trial by Jury on all Counts.

THE PLAINTIFF,
Richard Grzesiak,
By his Attorneys,
AUDETTE, AUDETTE & VIOLETTE, LLC

/s/ Courtney R. Tutalo
COURTNEY R. TUTALO, ESQ. #7140
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